

**FREQUENTLY ASKED QUESTIONS
ABOUT
THE DEPARTMENT OF HUMAN SERVICES'
2007 PASSENGER RESTRAINT REQUIREMENTS**

Why are there different kinds of restraints?

In general, state law (T.C.A. § 55-9-602), together with the Federal Motor Vehicle Safety Standards (e.g., the “FMVSS”) base the restraint requirements on: (a) the Age & Size of the Child (e.g., height and weight); and (b) the Size of the Vehicle (e.g., the “Gross Vehicle Weight Rating” or “GVWR”). Thus, to determine what type of restraint will be required you must look at both the age & weight of the child and the GVWR of the vehicle that the child will be transported in.

How are children classified for the restraint requirements?

Children are classified into the following categories:

- Infants under 1 Year of Age and Weighing 20 Lbs. or Less;
- Children Ages 1 Year Through 3 Years and Weighing More Than 20 Lbs.;
- Children Ages 4 Years Through 8 Years and Measuring Less Than Four Feet, Nine Inches (4’9”) in Height;
- Children Ages 9 Years Through 12 Years, Or Any Child Through 12 Years of Age, Measuring Four, Feet, Nine Inches (4’9”) or More in Height; and
- Children Ages 13 Through 15 Years.

How are vehicles classified for the restraint requirements?

Vehicles are classified according to their Gross Vehicle Weight Rating (e.g., “GVWR”):

- GVWR of 10,000 Lbs Or Less (this group will generally include all passenger cars & SUVs, as well as some “small” school buses and Multi-function School Activity Buses); and
- GVWR of Greater Than 10,000 Lbs. (this group can include some “small” school buses & Multi-function School Activity Buses, as well as “large” school buses).

Use the charts in this document to help you determine what restraints you will need.

I know how to determine the age & weight of the children I transport, but how do I find out my vehicle’s GVWR?

Child care vehicles designed to carry less than 10 passengers (e.g., passenger cars & SUVs) will fall into the restraint category of “**10,000 Lbs. Or Less**”. School buses classified as “large” are going to fall into the restraint category of “**More Than 10,000 Lbs.**”. In the case of “small” school buses and Multi-function School Activity Buses the average person will not be able to simply look at the vehicle to determine which of these categories that the bus will fit in. The best way to determine the GVWR of such buses is to look at the certification label that the vehicle manufacturer puts in the vehicle. An example of such a label is on the next page.

Example of Manufacturer's Certification Label

Gross Vehicle
Weight Rating >

Vehicle Type >

Thomas BUILT BUSES We Move People.	HIGH POINT, NORTH CAROLINA MFD BY THOMAS BUILT BUSES INC.
MADE IN U.S.A	02-2003

INC VEH MFD BY: GMC	DATE: 11-2002
GVWR: 4537 KG (10000 LB)	
GAWR FRONT: 1860 KG (04100 LB) WITH 225/75R16 (D) TIRES	
16X6 RIMS AT 448 KPA (065 PSI) COLD SINGLE	
GAWR INTERMEDIATE:	
GAWR REAR: 3403 KG (07500 LB) WITH 225/75R16 (D) TIRES	
16X6 RIMS AT 448 KPA (065 PSI) COLD DUAL	
THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT IN: 11-2002	
V.I.N.: 1GDHG31UX31144974	CHAS. ID. NO: 58332
VEH. TYPE: SCHOOL BUS (+DRIVER)-	EQUIP. CAP: 014
BODY ID.: 35107-0312573-041MS	

This manufacturer's label identifies the vehicle's GVWR as **"10000 LB"** – thus, this school bus falls into the category of **"GVWR of 10,000 Lbs. or Less"**. Note that some labels such as the label in this example may also list the vehicle's metric weight (e.g., "4537 KG"). State passenger restraint laws classify vehicles according to "pounds" – thus you should use the GVWR that is listed in pounds ("LB") in order to classify your vehicle.

I know the ages, heights and weights of the children I will be transporting, and I have located my vehicle's GVWR – what are my next steps?

- (1) You must determine what types of restraints, if any, will be required for each passenger.
- (2) You must determine what options you have for meeting that restraint requirement, for example, *Does the vehicle already come equipped with the needed restraints? Can I use an add-on restraint system?*

Use the charts on the following pages to determine what restraints are required. These charts can also help you to determine what your options are for meeting the requirements. At the end of this document you will also find pictures of restraint options and a list of bus and restraint manufacturers.

PASSENGERS	VEHICLE OPTIONS		
	PASSENGER CAR / SUV (GVWR <u>10,000 LBS. or LESS</u>)	SCHOOL BUSES (GVWR <u>10,000 LBS. or LESS</u>)	SCHOOL BUSES (GVWR <u>GREATER than 10,000 lbs.</u>)
Infants Under One (1) Year Of Age And Children Weighing Twenty (20) lbs. Or Less	<p><u>Restraint Requirement:</u> Rear Facing Safety Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions.</p> <p><u>Possible Options:</u> Rear Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts.</p>	<p><u>Restraint Requirement:</u> Rear Facing Safety Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions (<u>in a school bus “rear seat” means any seat that is behind the bus driver, or behind the entrance to the bus that is to the right of the driver</u>).</p> <p><u>Possible Options:</u> Rear Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts. If the vehicle does not already have seat belts, some seats may need to be retrofitted with seat belts (if possible), or some seats may need to be replaced with seat belt or LATCH equipped seats designed to accept rear facing safety seats.</p>	<p><u>Restraint Requirement:</u> Rear Facing Safety Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions (<u>in a school bus “rear seat” means any seat that is behind the bus driver, or behind the entrance to the bus that is to the right of the driver</u>).</p> <p><u>Possible Options:</u> Rear Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts. If the vehicle does not already have seat belts, some seats may need to be retrofitted with seat belts (if possible), or some seats may need to be replaced with seat belt or LATCH equipped seats designed to accept rear facing safety seats.</p>
Children Ages One (1) Through Three (3) Years And Weighing More Than Twenty (20) lbs.	<p><u>Restraint Requirement:</u> Front Facing Safety Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions.</p> <p><u>Possible Options:</u> Front Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts.</p>	<p><u>Restraint Requirement:</u> Front Facing Safety Seat– Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions (<u>in a school bus “rear seat” means any seat that is behind the bus driver, or behind the entrance to the bus that is to the right of the driver</u>).</p> <p><u>Possible Options:</u> Front Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts. If the vehicle does not already have seat belts, some seats may need to be retrofitted with seat belts (if possible), or some seats may need to be replaced with seat belt or LATCH equipped seats designed to accept front facing safety seats. FMVSS compliant add-on devices or upgraded school bus seats with integrated child seats.</p>	<p><u>Restraint Requirement:</u> Front Facing Safety Seat–Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer’s instructions (<u>in a school bus “rear seat” means any seat that is behind the bus driver, or behind the entrance to the bus that is to the right of the driver</u>).</p> <p><u>Possible Options:</u> Front Facing Safety Seat designed to work with lap belts or combination (i.e., lap <i>and</i> shoulder) seat belts. If the vehicle does not already have seat belts, some seats may need to be retrofitted with seat belts (if possible), or some seats may need to be replaced with seat belt or LATCH equipped seats designed to accept front facing safety seats. FMVSS compliant add-on devices or upgraded school bus seats with integrated child seats.</p>

PASSENGERS	VEHICLE OPTIONS		
	PASSENGER CAR / SUV (GVWR <u>10,000 LBS. or LESS</u>)	SCHOOL BUSES (GVWR <u>10,000 LBS. or LESS</u> - which are required by federal law to have passenger restraints.)	SCHOOL BUSES (GVWR <u>GREATER than 10,000 lbs.</u>)
Children Ages Four (4) Through Eight (8) Years And Measuring Less Than Four Feet, Nine Inches (4'9") In Height	<p><u>Restraint Requirement:</u> Belt-Positioning Booster Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions. It is strongly recommended that a belt-positioning booster seat be used with a lap <u>and</u> shoulder belt combination.</p> <p><u>Possible Options:</u> Belt-Positioning Booster seat designed to work with a lap and shoulder belt combination or only a lap belt.</p> <p>Front facing safety seat designed to work with lap belts or combination (i.e., lap <u>and</u> shoulder) seat belts.</p> <p>Add-on harness or vest designed to work with lap belts or combination seat (i.e., lap <u>and</u> shoulder) belts.</p>	<p><u>Restraint Requirement:</u> Belt-Positioning Booster Seat – Place in a rear seat if available or according to the child safety restraint system or vehicle manufacturer's instructions (<u>in a school bus "rear seat" means any seat that is behind the bus driver, or behind the entrance to the bus that is to the right of the driver</u>). It is strongly recommended that a belt-positioning booster seat be used with a lap <u>and</u> shoulder belt combination.</p> <p><u>Possible Options:</u> Belt-Positioning Booster seat designed to work with a lap and shoulder belt combination or only a lap belt. If you wish to use a belt-positioning booster seat with a vehicle that does not already have seat belts, some seats may need to be retrofitted with seat belts (if possible), or some seats may need to be replaced with seat belt or LATCH equipped seats designed to accept belt-positioning booster seats.</p> <p>Add-on harness or vest designed to work with lap belts or combination seat belts.</p> <p>Add-on restraint system (seat, harness, vest) designed to work without seat belts.</p> <p>Upgraded bus seat with adjustable shoulder strap (which eliminates the need for a booster seat).</p>	<p><u>Restraint Requirement:</u> None</p> <p><i>Note, however, that if a restraint is used, for maximum safety, we strongly recommend that the child be restrained in either a Belt-Positioning Booster Seat with a shoulder strap or an Upgraded Bus Seat with Adjustable Shoulder Strap.</i></p> <p><i>FMVSS compliant add-on restraints that meet or exceed booster seat requirements could also be used.</i></p>
Children Ages Nine (9) Through Twelve (12) Years, Or Any Child Through Twelve (12) Years Of Age, Measuring Four Feet, Nine Inches (4'9") Or More In Height	<p><u>Restraint Requirement:</u> You must use the seat belt assembly that the manufacturer installed in the vehicle. It may be either a Type 2 seat belt assembly or a Type 1 seat belt assembly, depending upon where the seat is located in the vehicle. <u>See the FAQ on page 6 for additional information</u> – <i>note that it is recommended that any such child be placed in the rear seat if available.</i></p>	<p><u>Restraint Requirement:</u> A Type 1 seat belt assembly (lap belt) is required at every passenger seating position. <u>Exception:</u> A Type 2 seat belt assembly (lap & shoulder belt) is required for the driver and the right front seating position (if any).</p> <p><u>Possible Options:</u> Type 1 seat belt assembly (lap belts).</p> <p>Add-on restraint system (seat, harness, vest) designed to work without seat belts and/or upgraded school bus seats with adjustable shoulder straps.</p>	<p><u>Restraint Requirement:</u> None</p>

PASSENGERS	VEHICLE OPTIONS		
	PASSENGER CAR / SUV (GVWR <u>10,000 LBS. or LESS</u>)	SCHOOL BUSES (GVWR <u>10,000 LBS. or LESS</u> - which are required by federal law to have passenger restraints.)	SCHOOL BUSES (GVWR <u>GREATER</u> than 10,000 LBS.)
Children Ages Thirteen (13) Through Fifteen (15) Years	<u>Restraint Requirement:</u> You must use the seat belt assembly that the manufacturer installed in the vehicle. It may be either a Type 2 seat belt assembly or a Type 1 seat belt assembly, depending upon where the seat is located in the vehicle. <u>See the FAQ on page 6 for additional information.</u>	<u>Restraint Requirement:</u> A Type 1 seat belt assembly (lap belt) is required at every passenger seating position. <u>Exception:</u> A Type 2 seat belt assembly (lap & shoulder belt) is required for the driver and the right front seating position (if any). <u>Possible Options:</u> Type 1 seat belt assembly (lap belts). Add-on restraint system (harness, vest) designed to work without seat belts. Upgraded school bus seats with lap and shoulder belts.	<u>Restraint Requirement:</u> None
PASSENGERS	PASSENGER CAR / SUV (GVWR <u>8,500 LBS. or LESS</u>)	SCHOOL BUSES (GVWR <u>10,000 LBS. or LESS</u> - which are required by federal law to have passenger restraints.)	SCHOOL BUSES (GVWR <u>GREATER</u> than 10,000 LBS.)
Adults	<u>Restraint Requirement:</u> You must use the seat belt assembly that the manufacturer installed in the vehicle. It may be either a Type 2 seat belt assembly or a Type 1 seat belt assembly, depending upon where the seat is located in the vehicle. <u>See the FAQ on page 6 for additional information.</u>	<u>Restraint Requirement:</u> A Type 2 seat belt assembly (lap & shoulder belt) is required for the driver and the right front seating position (if any), a Type 1 seat belt assembly (lap belt) is required at all other passenger seating positions for buses required to have lap belts as of the date of the buses' manufacture. <u>Possible Options:</u> Type 1 or Type 2 seat belt assembly depending upon where the adult is seated. Add-on restraint system (harness, vest) designed to work without seat belts. Upgraded school bus seats with lap and shoulder belts.	<u>Restraint Requirement:</u> The driver of a large school bus must be restrained by at least a Type 1 seat belt assembly (lap belt).
<u>ADDITIONAL NOTE: SMALL SCHOOL BUSES AND MULTI-FUNCTIONAL SCHOOL ACTIVITY BUSES, WITH A GVWR OF 10,000 LBS. OR LESS, MANUFACTURED ON OR AFTER SEPTEMBER 1, 2007, WILL REQUIRE A TYPE 2 SEAT BELT ASSEMBLY (LAP & SHOULDER BELT) AT EVERY DESIGNATED SEATING POSITION OTHER THAN A SIDE—FACING POSITION. THEREFORE, BUSES MANUFACTURED ON OR AFTER THAT DATE WILL COME EQUIPPED WITH COMBINATION LAP & SHOULDER BELTS WHICH MUST BE USED AS THE RESTRAINT SYSTEM FOR THAT TYPE OF VEHICLE. SMALL SCHOOL BUSES MANUFACTURED BEFORE SEPTEMBER 1, 2007 AND WHICH MEET FEDERAL MOTOR VEHICLE STANDARDS BY HAVING THE RESTRAINTS THAT WERE REQUIRED PRIOR TO THAT DATE NEED NOT BE RETROFITTED TO MEET THE NEW STANDARD.</u>			

What is LATCH?

Latch (Lower Anchors and Tethers for Children) is a new system that makes child safety seat installation easier-without using seat belts. LATCH is required on most child safety seats and vehicles manufactured after September 1, 2002.

If the vehicle requires passenger restraints, do all the seats on the vehicle need to have passenger restraints that will work with all sizes of children and adults?

No. The specific configuration of the passenger restraints in a vehicle can be matched to the needs of your program.

Why can the passenger restraint requirements for adults and for children 9 through 15 years vary within a specific passenger car / SUV depending upon where the individual is seated?

Federal restraint standards have been “phased in” over time – thus older cars were manufactured with different types of seat belt systems than are newer cars. Under state law, adults and children in this age/height category are required to be restrained in whatever seat belt system the vehicle was manufactured with – thus, if a child in this age group is sitting in a seat that was manufactured with a lap & shoulder belt then the child must be restrained in a lap & shoulder belt. If instead the child is sitting in a seat that was manufactured with a lap belt only then the child only needs to be restrained by a lap belt.

Let’s illustrate this requirement by using the example of 3 children, all of whom are 11 years old and taller than 4’9”, sitting on a bench seat in a mini van:

- If the outside seating positions and the middle seating position are each equipped with a lap belt only: then all 3 children are required to use a lap belt only;
- If the outside seating positions are each equipped with a lap & shoulder belt system (e.g., “Type 2” restraint), but the middle seating position was only manufactured with a lap belt (e.g., “Type 1” restraint): then the children sitting in the outside seating positions must wear both the lap & shoulder belt, while the child sitting in the middle seating position would only be required to wear the lap belt;
- If all 3 seating positions were manufactured with the Type 2, lap & shoulder belt system: then all 3 children must be restrained in both the lap belt and the shoulder belt.

***Note:** At seating positions where only a Type 1 restraint is required, it is permissible to voluntarily exceed the minimum requirement by using a FMVSS compliant add-on restraint that exceeds the protection provided by a Type 1 restraint system.*

What upgrades are available for school bus seats?

Upgraded bus seats have a variety of restraint options built into the seat (such as lap & shoulder combination belts, built-in child safety seats, LATCH options for safety seats, etc.). These options are designed to accommodate a wide range of passengers. Note that some upgraded school bus seats may also include a lap & shoulder combination belt that can be adjusted so that the shoulder portion is positioned properly on a child that would normally require a booster seat (a separate booster seat may not be necessary in this situation). *(see sample images at the end of this document)*

What are add-on restraints?

The term “add-on restraint” includes a variety of FMVSS compliant devices/systems that are added to vehicles to provide required or additional passenger restraint options. Some of these devices are designed to work with seats that have no existing restraint devices, while others are specifically designed to work with seats that already have Type 1 (lap belt) or Type 2 (lap & shoulder belt) restraints. Note that these devices are not permanently installed in the vehicle.

There are add-on restraint devices/systems available to accommodate a wide range of children and adults, for example:

- Child safety seats
- Booster Seats
- A variety of seat, harness, and vest systems to accommodate children between 25 - 90 lbs.
- Vest & harness systems designed to accommodate larger children and adults.
- Infant Safety Seats: DHS is not currently aware of any add-on system designed for securing infant safety seats to a school bus seat that *does not already have seat belts installed*. Such devices may become available in the coming months, but they do not appear to exist at this time. Therefore, if your bus does not have seat belts you may need to have some seats retrofitted with seat belts (if possible), or replace a few of the existing seats with seat belt or LATCH equipped seats to accommodate children that require safety seats.

It may be necessary to combine products from several different manufacturers in order to accommodate the passenger restraint needs of a wide range of children. *(see sample images at the end of this document)*

Do add-on restraint devices/systems need to be installed by the manufacturer?

Federal regulations require vehicles to be manufactured with particular types of restraint systems, and Tennessee law requires that the restraints used comply with the federal standards in accordance with the restraint or vehicle manufacturer’s instructions. In the case of add-on restraints, many of these add-on devices/systems are specifically manufactured to be installed by the “end user” — (e.g., the driver or other transportation staff who are responsible for restraining the children each day - just as infant safety seats or booster seats are currently installed by the child care provider in their 15-passenger van). Therefore, these devices/systems do not need to be installed by the manufacturer. *(see sample images at the end of this document)*

Do add-on restraint devices/systems ever require any additional hardware or mounts?

Yes, a few add-on restraint devices are designed to work with special hardware or mounts. If an add-on device requires such equipment, please contact the manufacturer to see who is qualified to install this hardware. Some manufacturers indicate that the mounts need to be installed by a mobility conversion company or a certified mechanic.

Will the same add-on restraint device work with both a bus seat and a passenger car or van seat?

Many add-on restraints are specifically designed to work with a specific vehicle seat and may not be interchangeable between different types of vehicles. Always check the manufacturer’s instructions before you purchase the restraint.

If I am transporting a child who normally requires a booster seat will I still need to use the booster seat with an add-on restraint?

Some add-on restraints are designed to work *without* booster seats, others are designed to work *with* a booster seat. Check the manufacturer's instructions to see how the device is intended to work.

What kind of restraints are available for restraining an adult (such as a monitor) on a school bus with a GVWR of 10,000 lbs. or LESS?

If the vehicle does not already have the required passenger restraints, there are some add-on harness systems that may work with an adult. It may also be possible to retrofit some seats with seat belts, or it may be possible to replace a few seats with upgraded school bus seats that have built-in passenger restraints suitable for an adult.

Can I get a traffic ticket if I use these add-on devices?

Add-on devices that meet the federal standards will satisfy DHS transportation rules. Tennessee law requires that the vehicle restraint systems for passenger restraints for children through fifteen (15) years of age meet Federal Motor Vehicle Safety Standards (FMVSS). This law also requires children sixteen (16) and older and adults to use a safety belt when operating or riding as a passenger in a passenger motor vehicle, which DHS interprets to mean to require the use of the type of seat belt which the FMVSS required to be manufactured and installed for that type of vehicle. In this document we have suggested passenger restraint options that we understand, under existing law, will comply with the Department of Safety requirements if the restraints meet the FMVSS. Please note, however, that we do not have the final authority to interpret the Department of Safety Requirements – and the fact that DHS has not cited you for a child care licensing rule violation does not act as a guarantee that you could not be cited by law enforcement. If you have any specific concerns about whether an add-on passenger restraint device will meet the Department of Safety passenger restraint requirements, please contact the Department of Safety to confirm that information.

What will Program Evaluators look for when they monitor for the child restraint requirements?

They will do a visual inspection of the restraints you are using to determine if the restraint:

- Appears to be appropriate for the size of the child and the type of vehicle;
- Appears to be in a properly maintained and working condition; and
- Appears to be appropriately secured to your vehicle.

Manufacturer & Distributor List

Below is a list of manufacturers and distributors that we became aware of as we developed the information for "Frequently Asked Questions About The Department of Human Services' 2007 Child Care Transportation Vehicle Requirements." The Department cannot endorse any companies or their products. This information is provided for your convenience as an example of some of the companies that may offer products that meet the 2007 vehicle requirements. We will add additional companies to this list as they come to our attention. This list was updated 12-06.

Carpenter Bus Sales

613 Bradley Court
Franklin, TN 37067
800.370.6180
www.carpenterbus.com

CommTrans

792 South Cooper
Memphis, TN 38104
800.737.9394
www.commtrans.com

Dan Hayden

111 S. Highland, Suite 412
Memphis, TN 38111
800.455.7550
Email: danhaydenmo@yahoo.com

Don Brown Bus Sales, Inc.

703 County Highway
Johnstown, NY 12095
800.979.0321
www.DayCareBusCentral.com

Easy Way Safety Services

10901 Reed Hartman Highway
Cincinnati, OH
800.543.0575
www.ewss.org

E-Z-ON Products, Inc.

605 Commerce Way West
Jupiter, FL 33458
800.323.6598
www.ezonpro.com

Mid-South Bus Center

3590 Manson Pike
Murfreesboro, TN 37129
800.322.4024
www.TheBusCenter.com

Prevention Alternatives, Inc. Car Seat Discount Program

P.O. Box 16
Haslett, MI 48840
517.927.7731
Email: shinn@comcast.net

Q'Straint USA

5553 Ravenwood Road
Building 110
Ft. Lauderdale, FL 33312
800.987.9987
www.qstraint.com

SafeGuard

1881 U.S. 31 North
Westfield, IN 46074
877.447.2305
www.safeguardseat.com

Childcarebus.com

A Division of Midwest Transit Equipment
164 W. Issert Drive, P.O. Box 582
Kankakee, IL 60901
866.933.2412
www.childcarebus.com

EXAMPLES OF CHILD CARE PASSENGER RESTRAINTS

**Rear-facing
Safety Seat**



**Front-facing
Safety Seat**



**Belt-positioning
Booster Seat**



Image courtesy of
www.safeguardseat.com

Add-On Restraints Designed To Be Installed By The End User



Images courtesy of www.qstraint.com



Images courtesy of www.safeguardseat.com

School Bus Seat Upgrade Options



Images courtesy of www.safeguardseat.com